

April 18, 2007

Chairman Kevin Martin
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Debra Taylor-Tate
Federal Communications Commission
445 12th Street NW
Washington, D.C. 20554

Re: RCN Request for Waiver, CS Docket 97-80

Chairman Martin and Commissioners Adelstein, Copps, McDowell and Taylor-Tate:

I am a long-time cable television subscriber with RCN Communications, in Washington, D.C. Last week, I purchased my first high definition digital television and wanted to take advantage of the digital inputs to the television and my new DVD recorder, and of course, the ability to display high definition. I contacted RCN to discuss my options with them. They confirmed that my current set top box does not support HD programming, and so I would need to obtain an alternative way to view HD transmissions.

I first asked for a Cable Card, which would reduce the cost of my cable service by about \$100 per year. The representative said that they do not have any Cable Cards, and that they have been out of Cable Cards for several months. I called a second time to see whether the first representative was misinformed, and got the same response. The second representative said that the manufacturer has discontinued the old card, and that they are testing a new card to make sure that it works with their hardware and that it is safe. In the meantime they had no cards available, and did not know when the new cards would be ready. Both representatives offered to put me on a waiting list, but had no estimate of when I might actually receive a card.

I then asked whether a cable box was available that had an IEEE 1394 interface, since my television has that input option. I was told that RCN does not offer any type of box that has an IEEE 1394 interface.

The representative said that, other than being put on a waiting list for Cable Card, I would have two options. The first would be to rent one of their "regular" high definition boxes for \$9.95 per month. However, these boxes have only a component analog output and no digital outputs at all. The second would be to rent one of their DVR boxes, which have both a component analog output and an HDMI output, for \$17.95 per month. I don't want a DVR, and if I did want a DVR I would rather buy a TiVo than rent, but I certainly don't want to

have to spend \$17.95 just to have a digital output, when I should be entitled to get a Cable Card for only \$1.50. Moreover, the HDMI output from a cable DVR does not enable a digital input to my DVD recorder. If I only can record on their DVR (or record only after converting the signal to lower quality analog), and cannot connect digitally to a home network, this reduces my options for making and watching home recordings.

Admittedly, I am a more knowledgeable consumer than most, in part because I am an attorney and work on issues involving content protection and cable service. But if RCN cannot comply with the Commission's regulations for customers who know what to ask for, I would be doubly concerned what they do with customers who do not know cheaper and higher quality options even exist. This situation only will be exacerbated if RCN believes it can obtain a waiver of existing regulatory obligations, and in the meantime continue to disregard Commission regulations intended to promote the digital television transition and consumer welfare.

Very truly yours,

Seth D. Greenstein
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